

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 766

Introduced by Assembly Member Walters

February 22, 2007

An act to amend Section 35330 of, and to add ~~Section 33054~~ *Sections 33054 and 47605.4* to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 766, as amended, Walters. Charter schools.

(1) Existing law authorizes the governing board of a school district or a county board of education, on a districtwide or countywide basis or on behalf of one or more of its schools or programs, after a public hearing on the matter, to request the State Board of Education to waive all or part of a statutory provision in the Education Code or a regulation adopted by the State Board that implements one of those provisions.

This bill would make a charter school equivalent to a school district for purposes of submitting a waiver request to the State Board, thereby allowing charter schools to perform that function. The governing board of the charter school would be required to submit its waiver application to the chartering authority for the school, and the governing board of that chartering authority would be required to hold a public hearing to review the application no later than 90 days following receipt of the application. The governing board of a charter school would be authorized to submit its waiver application directly to the State Board after holding a public hearing to consider that action if the governing board of the chartering authority fails to hold the public hearing within the 90-day period.

(2) Existing law authorizes the governing board of a school district or the county superintendent of schools of a county to, among other things, conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country for pupils enrolled in elementary or secondary schools. All persons making a field trip or excursion are deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion.

This bill would clarify that provision by adding charter schools to the list of entities against which all claims are deemed to have been waived.

(3) *The California Tort Claims Act governs the tort liability and immunity of public entities, as defined, and their officers and employees, claims and actions against public entities and their officers and employees, insurance indemnification, and the defense of public officers and employees. A public entity, when being identified for any purpose, is required by statute to be identified as a public entity.*

This bill would deem a charter school as a public entity for purposes of that act and that identification requirement.

(4) *Existing law requires the governing body of a public agency, as defined, within 70 days after the date of commencement of its legal existence, to file a specified statement containing basic information regarding the identity and location of the public agency with the Secretary of State on a prescribed form and with the county clerk of each county in which the public agency maintains an office.*

This bill would deem a charter school as a public agency for purposes of that requirement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 33054 is added to the Education Code,
- 2 to read:
- 3 33054. (a) For purposes of this article, a charter school shall
- 4 be deemed a school district.
- 5 (b) (1) To request a waiver pursuant to this article, the
- 6 governing board of a charter school shall submit its waiver
- 7 application to the chartering authority for the school.

1 (2) The governing board of the chartering authority shall hold
2 a public hearing to consider the waiver application no later than
3 90 days following receipt of the application. If the chartering
4 authority is a school district or county office of education, it shall
5 forward a summary of the public hearing along with the waiver
6 application to the State Board upon completion of its review of
7 the application. If the chartering authority recommends against
8 approval of the waiver application, it shall set forth the reasons
9 for its recommendation in writing and forward that document to
10 the State Board along with the waiver application.

11 (3) If the governing board of the chartering authority fails to
12 hold the public hearing within 90 days of receiving the application,
13 the governing board of the charter school may submit the waiver
14 application directly to the State Board after holding a public hearing
15 to consider that action.

16 (c) A charter school that submits a waiver application pursuant
17 to this article shall satisfy all of the requirements that a school
18 district is subject to pursuant to this article, except for holding the
19 public hearing described in subdivision (a) of Section 33050, which
20 shall be held by the chartering authority pursuant to paragraph (2)
21 of subdivision (b).

22 SEC. 2. Section 35330 of the Education Code is amended to
23 read:

24 35330. (a) The governing board of a school district or the
25 county superintendent of schools of a county may:

26 (1) Conduct field trips or excursions in connection with courses
27 of instruction or school-related social, educational, cultural,
28 athletic, or school band activities to and from places in the state,
29 any other state, the District of Columbia, or a foreign country for
30 pupils enrolled in elementary or secondary schools. A field trip or
31 excursion to and from a foreign country may be permitted to
32 familiarize students with the language, history, geography, natural
33 sciences, and other studies relative to the district's course of study
34 for pupils.

35 (2) Engage instructors, supervisors, and other personnel to
36 contribute their services over and above the normal period for
37 which they are employed by the district, if necessary, and provide
38 equipment and supplies for the field trip or excursion.

39 (3) Transport by use of district equipment, contract to provide
40 transportation, or arrange transportation by the use of other

1 equipment, of pupils, instructors, supervisors or other personnel
2 to and from places in the state, another state, the District of
3 Columbia, or a foreign country where those excursions and field
4 trips are being conducted, provided that, when district equipment
5 is used, the governing board shall secure liability insurance, and
6 if travel is to and from a foreign country, liability insurance shall
7 be secured from a carrier licensed to transact insurance business
8 in the foreign country.

9 (4) Provide supervision of pupils involved in field trips or
10 excursions by certificated employees of the district.

11 (b) (1) No pupil shall be prevented from making the field trip
12 or excursion because of lack of sufficient funds. To this end, the
13 governing board shall coordinate efforts of community service
14 groups to supply funds for pupils in need.

15 (2) No group shall be authorized to take a field trip or excursion
16 authorized by this section if a pupil who is a member of an
17 identifiable group will be excluded from participation in the field
18 trip or excursion because of lack of sufficient funds.

19 (3) No expenses of pupils participating in a field trip or
20 excursion to other state, the District of Columbia, or a foreign
21 country authorized by this section shall be paid with school district
22 funds. Expenses of instructors, chaperones, and other personnel
23 participating in a field trip or excursion authorized by this section
24 may be paid from school district funds, and the school district may
25 pay from school district funds all incidental expenses for the use
26 of school district equipment during a field trip or excursion
27 authorized by this section.

28 (c) (1) The attendance or participation of a pupil in a field trip
29 or excursion authorized by this section shall be considered
30 attendance for the purpose of crediting attendance for
31 apportionments from the State School Fund in the fiscal year.
32 Credited attendance resulting from a field trip or excursion shall
33 be limited to the amount of attendance that would have accrued
34 had the pupils not been engaged in the field trip or excursion.

35 (2) Credited attendance shall not exceed 10 schooldays except
36 in the case of pupils participating in a field trip or excursion in
37 connection with courses of instruction, or school-related
38 educational activities, and which are not social, cultural, athletic,
39 or school band activities.

(d) All persons making the field trip or excursion shall be deemed to have waived all claims against the district, a charter school, or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion.

All adults taking out-of-state field trips or excursions and all parents or guardians of pupils taking out-of-state field trips or excursions shall sign a statement waiving all claims.

No transportation allowances shall be made by the Superintendent for expenses incurred with respect to field trips or excursions that have an out-of-state destination. A school district that transports pupils, teachers, or other employees of the district in schoolbuses within the state and to destinations within the state, pursuant to the provisions of this section, shall report to the Superintendent on forms prescribed by him or her the total mileage of schoolbuses used in connection with educational excursions. In computing the allowance to a school district for regular transportation there shall be deducted from that allowance an amount equal to the depreciation of schoolbuses used for the transportation in accordance with rules and regulations adopted by the Superintendent.

SEC. 3. Section 47605.4 is added to the Education Code, to read:

47605.4. A charter school shall be deemed to be both of the following:

(a) A "public entity" for purposes of Section 7530 and Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.

(b) A "public agency" for purposes of Article 3 (commencing with Section 53050) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code.